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USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 3/21/2023

March 21, 2023

Via ECF

Hon. Analisa Torres, U.S.D.J.
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

*Re: S.D. and J.D. v. EmblemHealth Plan, Inc.
S.D.N.Y. Docket No. 22-cv-760*

Your Honor:

I represent the defendant EmblemHealth Plan, Inc. in the above-referenced matter. Due to an oversight, through no fault of plaintiffs, I did not respond to Your Honor's Order of March 16, 2023, wherein you directed the parties to file an unredacted Memorandum of Settlement, as a condition for Your Honor retaining jurisdiction for purposes of enforcing the settlement.

The oversight was caused by my client's concern regarding public access to the terms of the settlement, which reflect an accommodation by my client and the co-defendant, solely to the plaintiff, to provide insurance coverage. If the terms of the settlement were to be made public, the terms might be relied upon by other insureds to secure insurance coverage that might not otherwise be available. In my effort to try and determine how to best comply with Your Honor's order, and not prejudice the plaintiffs, I allowed the deadline to pass. Given that this circumstance was due solely to my oversight, resulting from my effort to address confidentiality, I respectfully request a filing extension of a day or two, and, hopefully, some accommodation by Your Honor to permit me to submit the Memorandum of Settlement by e-mail, rather than through the publicly accessible ECF system. This request for an extension is the third, but it is prompted by a concern related to the logistics of filing, and not due to the need for additional time to finalize the terms of settlement.

I respectfully ask for Your Honor's understanding under the circumstances, and hope that the request, herein, is given favorable consideration.

On March 16, 2023, the Court ordered the parties to file a revised settlement agreement on the docket by March 20, 2023. ECF No. 67. Defendant has not shown good cause warranting an extension of the deadline. In any event, the Court shall not retain jurisdiction to enforce a settlement agreement unless it is made part of the public record. ECF Nos. 61, 67. Accordingly, Defendant's request is DENIED.

SO ORDERED.

Dated: March 21, 2023
New York, New York

A handwritten signature in black ink, appearing to read "AT".
ANALISA TORRES
United States District Judge